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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,922	03/12/1999	TOKUNORI KATO	102460	6407

25944   7590   09/10/2003

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ART UNIT	PAPER NUMBER
2622	

DATE MAILED: 09/10/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Paper No. 15

Application Number: 09/266,922
Filing Date: March 12, 1999
Appellant(s): KATO ET AL.

MAILED

SEP 1 0 2003

Technology Center 2600

Scott M. Schulte
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 24 June 2003.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or

be directly affected by or have a bearing on the decision in the pending appeal is contained in the

brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

No amendment after final has been filed.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

Appellant's brief includes a statement that claims 1-24 do not stand or fall together and

provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

6,333,702   Hiyokawa et al.   12-2001

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-24 are rejected under 35 U.S.C. 102(e), as being anticipated by Hiyokawa *et al.*

This rejection is set forth in prior Office Action, Paper No. 7, dated 10/22/02.

(11)   Response to Argument

In response to applicant's arguments regarding the rejection of Group I, noted as claim 1,

which initially states on page 10 that Hiyokawa fails to teach of initializing a second memory

based on parameters for a selected geographical region. Hiyokawa teaches in column 8, lines 1

through 30, that the flash memory 3 or the RAM 4, interpreted as the second memory, is

initialized with parameters, being the navigation processing programs, as well as map data,

intersection data, node data, road data, etc., needed for the navigation operation. Further, as read

in column 11, lines 12 through 26 and column 12, lines 34 through 43, and seen in Figs. 6 and 7,

the specified destination and the identified route from the storage medium 37 are stored in the

RAM 4 during the operation of the system. This storing of the data into the flash memory 3 or

the RAM 4 is interpreted as *initializing* the second memory, as the term "initialize" is commonly

used throughout the art to simply denote the storing of new data into an area. The examiner's

interpretation of the claim is based on this use of the word.

Contrarily, the applicant continues to argue on page 11 that initializing a memory sets the

memory to a starting position or value. While this may be another meaning of the word

"initialize", the examiner notes that this requirement is not specifically found in the claim or in

the applicant's own specification. In fact, on page 2, line 26 through page 3, line 5 within the

present specification, the phrase which "initializes the rewritable non-volatile memory" is

defined as that which "stores the read parameters into the rewritable non-volatile memory",

thereby equating the two phrases, as is commonly known in the art, and as used by the examiner

in interpreting the reference of Hiyokawa.

Continuing, the applicant argues on page 11 that Hiyokawa teaches of only two

initializing processes, which are not equivalent to the current claimed invention requiring

initializing the flash memory 3 or another memory based on parameters for a geographical

division. First, as described by the applicant, the process described in column 8, lines 1 through

8, which stores programs into the flash memory or RAM 4. As discussed above, in column 8,

lines 18 through 30, and in Figs. 6 and 7, Hiyokawa describes the navigation programs and data

necessary for the navigation operation are copied from the storage medium 37 to the flash

memory 3 or RAM 4. This is interpreted as teaching the limitation that "initializes the second

memory on the basis of parameters for a selected geographical division", as is currently required

in claim 1, whereby a geographical division is selected in step 51, as shown in Fig. 6, and read in

column 11, lines 12 through 26, and the route searching processing of step 52 that follows

initializes the RAM 4 with parameters for the selected geographical division, as seen in Figs. 6

and 7, and read in column 12, lines 27 through 43. The second initializing process of Hiyokawa,

described by the applicant, is shown in column 10, lines 37 through 42, and the applicant argues

that the geographical data stored in the RAMs is actually removed. The examiner notes that the

steps 55 through 52, seen in Figs. 6 and 7, are being interpreted as part of the "initializing"

process of the current claim. The RAM 4 are cleared in step 55, and then initialized on the basis

of programs and other navigation data for a selected geographical division, as seen in steps 51

and 52. The applicant continues to argue on page 11 that Hiyokawa fails to reset the flash

memory 3 or RAM 4 to a starting position or value. As discussed above, this is not a requirement

in the claim, as currently worded, and the initializing of the memory is interpreted as the loading

of new data into the flash memory 3 or the RAM 4 upon selection of a geographical coordinates

of a destination, interpreted as a geographical division.

Further, on page 12, the applicant argues that the initializing interpreted and cited by the

examiner in the previous actions, being read in column 12, lines 34 through 43, occurs after the

initializing processing is complete at step 55, as seen in Fig. 6, and the initializing interpreted

and cited by the examiner, being read in column 8, lines 18 through 30, only teaches the types of

programs and data that are transferred. As discussed above, the interpreted "initializing" process

are the steps 55 through 52, seen in Figs. 6 and 7, wherein at step 55, the RAM 4 is cleared, and

then initialized on the basis of programs and other navigation data for a selected geographical

division in steps 51 and 52. Thus the initializing processing is not just step 55, or a subsequent

step after the initializing process, but rather the series of steps 55 through 52, seen in Figs. 6 and

7.

Continuing, in summary, the applicant argues on pages 13 and 14 that Hiyokawa fails to

teach of basing an initialization based on a geographical division, of selecting a geographical

division from a plurality of geographical divisions, and of using different parameters for different

geographical divisions, and also because Hiyokawa is primarily concerned with an operation that

occurs after initialization. Hiyokawa teaches of a first memory (storage medium 37) that stores

parameters for each of a plurality of geographical divisions and at least one operation control

program (as read in column 8, lines 1 through 30, whereby navigation data is stored for a

plurality of geographical divisions, being different areas bound by coordinates of destinations

used for routes or navigation which can be selected by a user), a second memory (flash memory

3 or RAM 4), and a control device that initializes the second memory on the basis of parameters

for a selected geographical division (being seen in Figs. 6 and 7 as steps 55 through 52), the

parameters for the selected geographical division being read from the first memory (column 8,

lines 1 through 38). Therefore, the rejection of claim 1, as being anticipated by Hiyokawa is

maintained, and should be sustained.

In response to applicant's arguments regarding the rejection of Group II, noted as

dependent claim 2, which states on pages 14 and 15 that Hiyokawa fails to additionally teach if

each of the plurality of geographical divisions include a geographical division-specific parameter

and a non-geographical division-specific parameter, as Hiyokawa does not repeatedly store the

processing program for each of a plurality of geographical divisions. Hiyokawa teaches that each

of the plurality of geographical divisions includes a geographical division-specific parameter

(being the map data, intersection data, node data, road data, etc., and guide data, voice guidance

data, and picture data, seen in Fig. 5, column 8, lines 18 through 30, for each of the geographical

divisions selected in step 51) and a non-geographical division-specific parameter (being the

navigation programs, as read in column 8, lines 1 through 8, for each of the selected

geographical divisions of step 51, as the programs are not geographic specific). Therefore,

Hiyokawa can be interpreted as teaching the limitation, and the rejection is thereby maintained,

and should be sustained.

In response to applicant's arguments regarding the rejection of Group III, noted as

dependent claims 3 and 4, which states on page 16 that Hiyokawa fails to additionally teach if

Hiyokawa determines if at least one geographical division-specific parameter regarding a first

geographical division has already been stored in the second memory. The examiner notes that

neither of claims 3 nor 4 specifically require "determining" if at least one geographical division-

specific parameter has already been stored, as argued. Instead, claim 3 requires a process of the

control device "if no geographical division-specific parameter has been stored in the second

memory". As read in column 10, lines 37 through 42 of Hiyokawa, the data in the RAMs are

cleared, and thus a process exists if no parameters are stored in the second memory. Similarly,

claim 4 requires the control device to perform a process "if at least one geographical division-

specific parameter regarding a first geographical division has already been stored in the second

memory and a second geographical division is selected". As read in column 12, lines 5 through

16, the process is repeated, thereby having the disclosed process when at least one geographical

division-specific parameter regarding a first geographical division has already been stored in the

second memory (flash memory 3 or RAM 4) and a second geographical division is selected. For

these reasons, the rejection of claims 3 and 4 are maintained, and should be sustained.

Continuing, in response to applicant's arguments regarding the rejection of Group IV,

noted as dependent claims 5 and 6, which states on page 16 and 17 that Hiyokawa fails to teach

of each of the recited limitations, particularly that which is required in claim 1. As discussed

above, Hiyokawa teaches of initializing the second memory based on parameters for a selected

geographical division (see Figs. 6 and 7). For these reasons, the rejection of claims 5 and 6 are

maintained, and should be sustained.

     In response to applicant's arguments regarding the rejection of Group V, noted as claim

7, which states on pages 17-19 that Hiyokawa fails to teach of making a determination before a

main program starts. The applicant continues to argue that *the* main program of Hiyokawa is the

overall processing shown in Fig. 6. The examiner notes that the claim currently requires "a

control device that performs a control such that a main program starts, if the determining device

determines that the specification stored in the second specification storing device is the

predetermined specification". Thus *a main program* starts upon the determination. The claimed

determination is interpreted as being performed in steps 51 and 52 of Fig. 6 (which will be

discussed in greater detail below), which start a main program of step 53, being the guide/display

process, which is then described in Figs. 41-54. The guide/display process of step 53 can be

interpreted by one of ordinary skill in the art as being *a main program*, as currently required by

the claim.

     In summary, the applicant argues on page 20 that Hiyokawa fails to teach of selecting a

specification before starting a main program, and determining if the selected specification stored

is the predetermined specification before starting the main program, and because Hiyokawa is

primarily concerned with an operation that occurs after selecting a predetermined specification.

In reviewing the reference, Hiyokawa teaches of a first specification storing device (storage

medium 37) into which a plurality of specifications and at least one operation-control program

are pre-stored (column 5, lines 47 through 57, and column 8, lines 1 through 38, being the names

of streets, map data, route data, etc., and a navigation processing program), a selector device

(input/output device 30) that selects a selected specification from the first specification storing

device (column 5, lines 47 through 59, and column 7, lines 11 through 23), a second

specification storing device (flash memory 3 or RAM 4) that stores the specification selected by

the selector device (column 8, lines 18 through 52, and column 12, lines 18 through 43, being the

guide route data that corresponds to specified destination). Further, Hiyokawa teaches of a

determining device (CPU 2) that determines whether the specification stored in the second

specification storing device is a predetermined specification (being a particular guide route for

the specified destination, column 12, lines 27 through 43, and seen in Figs. 7, 8, and 10, wherein

the CPU 2 determines the start and end points of a guide route by the read present position, as

seen in steps 64 and 66, performed in steps 80 and 82, and in steps 102 and 104, respectively),

and a control device (CPU 2) that performs a control such that a main program starts

(guide/display processing in step 53, see Fig. 6, column 11, line 45 through column 12, line 16),

if the determining device determines that the specification stored in the second specification

storing device is the predetermined specification (column 11, line 27 through column 12, line 58,

whereby the guide/display processing in step 53 is started when the guide route is registered in

step 70). Thus, the rejection of claim 7, as being anticipated by Hiyokawa, is maintained and

should be sustained.

In response to applicant's arguments regarding the rejection of Group VI, noted as

dependent claim 8, which states on page 20 that Hiyokawa fails to additionally teach if the

specification includes at least one parameter regarding communication in a geographical

division. Hiyokawa teaches that specifications include at least one parameter regarding a communication in a geographic division, as seen in Fig. 5, in column 7, line 64 through column 8, line 30, in column 9, line 42 through column 10, line 27, and in column 11, line 12 through column 12, line 16, whereby the guide data, road data, and routes are communicated for the various geographic divisions, being designated by the specified coordinates entered by the user. Thus, the rejection of claim 8, as being anticipated by Hiyokawa, is maintained and should be sustained.

Continuing, in response to applicant's arguments regarding the rejection of Group VII, noted as dependent claim 9, and Group VIII, noted as claims 10 and 11, which states on pages 21 and 22 that Hiyokawa fails to teach of each of the recited limitations, particularly that which is required in claim 7. As discussed above, Hiyokawa teaches of performing a control such that a main program starts, if the determining device determines that the specification stored in the second specification storing device is the predetermined specification (see Figs. 6-8, and 10). For these reasons, the rejection of claims 9-11 are maintained, and should be sustained.

In response to applicant's arguments regarding the rejection of Group IX, noted as claim 12, being a method of setting parameters in an apparatus, being similar to that discussed above with regards to claim 1, which states on pages 22-25 that Hiyokawa fails to set parameters based on a geographical division, to select a geographical division from a plurality of geographical divisions, and use different parameters for different geographical divisions, and since Hiyokawa is primarily concerned with an operation that occurs after the parameters are set. The examiner

notes that the same response and arguments hold for the method of claim 12 that were given above for the apparatus noted in claim 1. Similarly, the responses to the rejections of the method of Group X, noted as dependent claim 13, of Group XI, noted as dependent claims 14 and 15, and of Group XII, noted as dependent claim 16, are the same as the apparatus discussed above in claims 2-5, respectively. For those reasons discussed above, the rejection of claims 12-16 are maintained, and should be sustained.

Further, in response to applicant's arguments regarding the rejection of Group XIII, noted as claim 17, being a method of setting parameters in an apparatus, being similar to that discussed above with regards to claim 7. The examiner notes that the same response and arguments hold for the method of claim 17 that were given above for the apparatus noted in claim 7. Similarly, the responses to the rejections of the method of Group XIV, noted as dependent claim 18, of Group XV, noted as dependent claim 19, and of Group XVI, noted as dependent claim 20, are the same as the apparatus discussed above in claims 8-10, respectively. For those reasons discussed above, the rejection of claims 17-20 are maintained, and should be sustained.

In response to applicant's arguments regarding the rejection of Group XVII, noted as dependent claims 21-24, which states on page 34 that Hiyokawa fails to teach of using a particular communication standard or any adopted communication standard. Hiyokawa teaches that at least one geographical division-specific parameter is a parameter regarding communication standards adopted in a country in column 39, line 66 through column 40, line 19, which states "numbers or symbols depending upon the nations in the European community" are

used for geographical divisions, therein being parameters regarding the communication standards

adopted in a country. Therefore, the rejection of claims 21-24 are maintained, and should be

sustained.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

J.R.P.

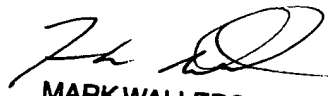Joseph R. Pokrzywa
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